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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5425/2020 & CM APPL. 19582/2020**

SHILPI AGGARWAL

..... Petitioner

Through: Mr. Kirti Uppal, Senior Advocate  
with Mr. Vipin Singh, Advocate.  
(M:9999462289)

versus

STATE BANK OF INDIA & ANR.

..... Respondents

Through: Mr. Jitender Kumar, Advocate for  
SBI. (M:9811215039)

AND

+ **W.P.(C) 5428/2020 & CM APPL. 19585/2020**

ANKITA AGGARWAL

..... Petitioner

Through: Mr. Kirti Uppal, Senior Advocate  
with Mr. Vipin Singh, Advocate.

versus

STATE BANK OF INDIA & ANR.

..... Respondents

Through: Mr. Jitender Kumar, Advocate for  
SBI.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

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**19.08.2020**

1. This hearing has been done by video conferencing.
2. The present two writ petitions have been filed seeking directions for registration of sale transactions, which the Petitioners had participated in. The brief background is that the State Bank of India (hereinafter referred as “Bank”) had given notice for public auction for the following properties in both the writ petitions:

- i. W.P(C) 5425/2020 - (1) All that part & parcel of Land & Building at Plot measuring 1 Bigha and 3 Biswa, 1159 Sq.

Yards (part of Khasra No.11/2 min) situated at Village Singhu, Delhi-110040 and (2) All that part & parcel of Land & Building at Plot measuring 2 Bigha and 6 Biswa, (out of Khasra No.11/2 min) (1-5) and 9 min (1-1) situated at Village Singhu, Delhi-110040;

- ii. W.P(C) 5428/2020 – (1) All that part & parcel of Land & Building at Plot measuring 1 Bigha and 3 Biswa out of Khasra No. 11/2 situated at Village Sindhu, Delhi – 110040 and (2) All that part & parcel of Land & Building at Plot measuring 1 Bigha and 4 Biswa (out of Khasra No. 11/13/2) situated at Village Singhu, Delhi-110040.

3. The Petitioners had participated in the auctions and had deposited the initial Earnest Money Deposit (“*EMD*”) of 10% of the Reserve Price and the remaining 15% of the sale price, as per the terms and conditions of the auction. The Petitioners were declared the successful bidders. The balance sale consideration was then deposited on 23<sup>rd</sup> March, 2018. Sale certificates have been issued as on 20<sup>th</sup> April, 2020. However, the Petitioners are unable to deal with the properties as the sale transaction is not being registered with the Office of Sub-Registrar and the mutation is not being effected.

4. Mr. Kirti Uppal, Id. Senior counsel appearing for the Petitioners submits that the Petitioners have moved an application before the Debt Recovery Tribunal (hereinafter, ‘*DRT*’), under Section 17(7) of The Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (“*SARFAESI Act*”) read with Section 19(25) of Recovery of Debts and Bankruptcy Act, 1993. The said applications are not being taken up by the DRT.

5. Today Mr. Jitender Kumar, Id. Counsel has appeared for the Bank and he confirms the fact that the entire sale consideration has already been paid. Accordingly, he submits that he does not have any objection in the prayer made by the Petitioners in the applications before the DRT, being allowed.

6. Considering the pandemic situation and the fact that there are disruptions in hearings before Courts and tribunals including DRT, it is possible that the DRT may not have taken up the matter due to lockdown. Since the facts in these matters are not disputed, this Court directs that the sale deed in favour of the Petitioners shall now be registered on 26<sup>th</sup> August, 2020 at 11:30 am in the Office of the Sub-Registrar, District North West, BDO Office, Alipur, Delhi – 110036. The Bank officials, who are duly authorised to execute the sale deed, shall be present along with the Board Resolution/Power of Attorney in their favour.

7. Mr. Pankaj Yadav, Id. Counsel appearing for the Sub-Registrar submits that he will transmit the copy of this order to the Sub-Registrar for compliance. Accordingly, no further orders are called for. The Sub-Registrar shall, after registration of the documents, issue certified copies of the sale deed etc. in accordance with law to the Petitioners. Mutation, thereafter, be effected within a period of 6 weeks from the registration of the sale deed.

8. Both petitions are disposed of accordingly.

**PRATHIBA M. SINGH, J.**

**AUGUST 19, 2020/dk/A**